

REMARKS

This amendment is offered in response to the Office Action of July 21, 2003.

It is respectfully submitted that this amendment will require neither a new search nor substantial reconsideration.

The Office Action rejected Claims 1-30 under 35 U.S.C. §103(a) as being obvious over the Malin reference (U.S. Patent No. 6,185,907) in view of the Ausnit reference (U.S. Patent No. 4,876,842) or the Belmont reference (U.S. Patent No. 6,427,421).

Claim 1 has been amended to recite:

means for sealing said longitudinal edges of said folded continuous length of packaging film to one another opposite to said film fold and opposite to said continuous supply of zippers

Similar amendments have been made to independent Claims 11 and 21. It is respectfully submitted that neither the Malin reference nor the Ausnit reference discloses or suggests the sealing of the longitudinal edges to each other opposite the film fold and opposite to the zipper. That is, the Ausnit reference discloses sealing the edges so that a fin is formed across a face of the package, while the Malin reference does not teach any sealing of the longitudinal edges opposite to the film fold and opposite to the zipper. This is because, in the Malin reference, the longitudinal edges themselves are opposite to the film fold. The sealing of longitudinal edges in the Malin reference cited by the Examiner is indeed adjacent to rather than opposite to the zipper. While the Office Action construes Figure 3c of the Belmont reference to disclose the sealing of the longitudinal edges of the film opposite to the fold, it is respectfully submitted that this is achieved in such a different order of steps that there would be no reason to combine the cited references except by the wisdom of hindsight gained by the benefit of study of the

disclosure. More particularly, the last full paragraph of column 5 of the Belmont reference describes a sequence of steps which is so completely different from the sequence of steps of the presently pending claims that it would be reasonable to state that the Belmont reference teaches away from the present invention. More specifically, Belmont at column 5, lines 55-62, states:

For this embodiment, the fastener 14 should be sealed to both wall panels 16 and 18 before filling the package with the product 64. For example, the process folds the web 50 and positions the fastener 14 at the bottom 52 of the web 50 and seals the fastener 14 to both of the wall panels 16 and 18. Next, the process forms and cuts the side seals 60, and the product 64 fills the package. (emphasis added)

On this basis, it is respectfully submitted that the cited references cannot be properly combined.

It is therefore respectfully submitted that the presently pending claims are patentable over the cited references.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested

to withdraw the rejections of the claims, to enter the amendment, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", written over a horizontal line.

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